

REMARKS

Claims 1-12 are pending in the Application. Claims 1-12 currently stand rejected. Claims 1 and 9 are amended herein. Reconsideration of the Application in view of the foregoing amendments and following remarks is respectfully requested.

35 U.S.C. §103

In paragraph 3 of the Final-Office Action, the Examiner rejects claims 1-12 under 35 U.S.C. § 103 as being unpatentable over USPN 6,222,720 (hereafter Aoki) in view over USPN 6,198,623 (hereafter Amatucci). The Examiner's paragraph 3 rejection appears to be copied verbatim from the Examiner's rejection made on 06/07/2004. In paragraph 4 of the Final-Office Action, the Examiner provides additional response. Applicants' respectfully traverse and disagree with the Examiner's rejections and responses for reasons stated in Applicants' previous response, as well as for the reasons stated below.

In column 13, lines 14-50, Aoki teaches bonding of a molded electrode sheet to a collector by means of a conductive agent. In a second embodiment, Aoki teaches a collector coated with deposition of slurry made of active carbon, conductive material, and binder, which after drying provides electrode functionality. The Examiner in the Final-Office Action paragraph 3 states the "claim does not require the interpretation to be a slurry, therefore the Examiner's interpretation is reasonably correct." Applicants herein amend independent claims 1 and 9 to recite various coatings that are formed "as a slurry". Aoki as

well teaches coating (in the context of the precursor slurry step of the second embodiment). Thus, to the extent that citation of Aoki may make logical sense, only the second slurry based coated embodiment of Aoki is relevant. However, the application of a single coated electrode layer onto a collector in Aoki differs from Applicants' invention in which an electrode "secondary coating" is applied to a collector via a previously applied conductive adhesive "primary coating". For at least these reasons, and as admitted by the Examiner, Aoki, fails to suggest or teach Applicants' invention.

The Examiner's rejection utilizes Example 1 of Amatucci to modify Aoki. Assuming arguendo that Amatucci's spray coated adhesive layer anticipates Applicants' "primary coating", alone or in combination with Aoki, the cited references still does not teach or suggest Applicants' claimed invention. Amatucci, as well as Aoki, utilize their respective coated primary layers to facilitate the attachment and conduction of the respective embodiments of molded and carbon fabric secondary electrode layers. Assuming that Aoki could be modified by Amatucci, such a modification is capable of being postulated only in the context of the second embodiment of Aoki, in which a coated slurry is used. The coating in Aoki, because of the properties inherent in the slurry, already facilitates attachment and conduction. However, if the coated conductive carbon slurry of Aoki is used to teach Applicants' secondary coating the modification of Aoki by Amatucci does not teach or suggest the present invention of a primary coating of conductive carbon and binder, and a secondary coating of activated carbon, binder, solvent, and conductive carbon. In fact, the application of a

primary layer using Amatucci to modify Aoki teaches away from Aoki, which in combination with Amatucci would result in a product that comprised an extra unneeded layer that increased internal resistance, not reduce internal resistance as is asserted by the Examiner. As well, the performance characteristics of the second embodiment of Aoki would be undesirably altered by such an extra adhesive layer. If the Examiner is not convinced, the Applicants invite the Examiner to consider the implications of adding a second unneeded additional coated layer of conductive adhesive to the molded electrode and coated adhesive layer as described by the first embodiment of Aoki.

The use of Amatucci to modify Aoki, thus, teaches away from Aoki, teaches away from the Examiner's reasoning to combine and, as well, teaches away from the present invention.

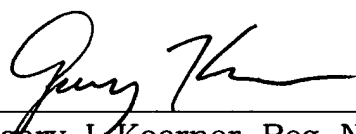
Regarding claims 2-8 and 10-12, for at least the reasons that claims 2-8 and 10-12 depend from independent claims 1 or 9, and because claims 1 and 9 are not taught or suggested by Aoki as modified by Amatucci, Applicants respectfully traverse the Examiner's rejections of claims 2-8 and 10-12.

Summary

For at least the reasons given above, Applicants submit that the foregoing remarks overcome the Examiner's objections and rejections under 35 U.S.C. § 103(a). Because the cited references, alone or in combination, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-12 so that the Application may issue in a timely manner. If there are any questions concerning this amendment, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 3/9/05

By: 
Gregory J. Koerner, Reg. No. 38,519
Redwood Patent Law
1291 E. Hillsdale Blvd., Suite 205
Foster City, CA 94404
(650) 358-4000